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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,280	08/20/2003	Howard Sinkoff	7647-03468	7474

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EXAMINER	
MARSH, STEVEN M	

ART UNIT	PAPER NUMBER
3632	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,280	SINKOFF, HOWARD	
	Examiner	Art Unit	
	Steven M Marsh	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 24-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12-18 and 28* is/are allowed.

6)☒ Claim(s) *1-5,8,10,11,24-27,29 and 30* is/are rejected.

7)☒ Claim(s) *6,7 and 9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This is the second office action for U.S. Application 10/644,280 for Novel Cable Tray Assemblies filed by Howard Sinkoff on August 20, 2003. Claims 1-18 and 24-30 are pending.

Allowable Subject Matter

Claims 12-18 and 28 are allowed. Claims 6, 7, and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a cable tray system with first and second cable trays as claimed by Applicant, connected by a connector receiving proximate an open end of a first cable support assembly element including two parallel wire sections separated by a space and extending transversely across at least a part of a width of a base portion of the cable tray, and a connector receiving element proximate an open end of a second cable support assembly and including two parallel wire sections separated by a space and extending longitudinally beyond the open end of the second cable support assembly, whereby the space between the two parallel wire sections of the connector receiving element of the second cable tray overlaps the space between the two parallel wire sections of the connector receiving member of the first cable tray when the second cable tray is positioned adjacent the first cable tray, and a fastener passes through the member and element to secure the two together.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

Claims 1, 4, 5, 8, 10, 24, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Di Meo et al. Di Meo discloses a cable tray with a cable support assembly that has a weight-bearing base portion and a plurality of sidewalls (20). The sidewalls are connected to longitudinal edges of the base portion, extend in a common direction perpendicular to the base portion, and the base portion defines a plurality of open ends. There is a connector receiving member (29) connected to the base portion of the cable support assembly proximate a first open end of the cable support assembly. The connector-receiving member has two parallel sections (each side of 30) separated by a space (30, which has a J-shaped portion and can perform as a hook) and extending transversely across at least part of a width of the base portion. The two parallel sections of the connector-receiving member are arranged to at least receiving at least a portion of a first fastener in the space therebetween. There is a connector-receiving element of the same configuration as the connector-receiving member connected to the base portion of the cable support assembly proximate a second open end of the cable support assembly (29 on the opposite end of that shown in fig. 2 for connecting multiple trays). The connector-receiving element is positioned directly

across from the connector-receiving member along a length of the base portion of the cable support assembly.

With respect to claims 10, 24, 26, and 27, Di Meo also discloses a connector-receiving member (23, 24, and 25) integrated into a sidewall of the cable support assembly proximate an open end of the cable support assembly. The member includes parallel sections separated by a space and extending transversely across at least part of a width of the sidewall. The parallel sections are arranged to at least receive a portion of a fastener (28) in the space therebetween and there is an arched member interconnecting common ends of the two parallel sections. The connector-receiving element forms a looping element (27) that extends beyond the open end of the cable support assembly and the loop member and parallel section include respective electrically conductive portions (metal) that are arranged to engage the fastener.

Claim Rejections - 35 USC § 103

Claims 2, 11, 25, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Meo et al. in view of U.S. Patent 4,417,711 to Madej. Di Meo does not disclose an insulated portion on the connecting member. Madej discloses a method for coating electrically conductive material, with a polymeric coating to protect the materials from corrosion. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided a polymeric coating on the electrically conductive material taught by Di Meo, as taught by Madej, to protect the material from corrosion. Di Meo in view of Madej, does not specifically disclose leaving

certain parts uncoated, however, one of ordinary skill in the art at the time of the present invention would know that the connector would need to remain electrically conductive and not to coat the entire member (just the exposed portions).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Di Meo et al. in view of U.S. Patent 5,199,756 to Bartlett et al. Di Meo et al. does not disclose a connector-receiving member formed of wire. Bartlett et al. discloses a connector (20) and teaches that sheet metal and wire are functional equivalents as the material used for the connector. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized wire as the material for the connector taught by Di Meo, as taught by Bartlett et al., as a matter of engineering preference because they are functional equivalents.

Response to Arguments

Applicant's arguments with respect to claims 1-18 and 24-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Steven M. Marsh

April 1, 2005

RAMÓN O. RAMÍREZ
PRIMARY EXAMINER